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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/800,107

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Todd A. Newville

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26161 7590 03/05/2007

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EXAMINER

SALATA, ANTHONY J

ART UNIT

PAPER NUMBER

2837

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/800,107	Applicant(s) NEWVILLE ET AL.	
	Examiner Jonathan Salata	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 55-83 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 55-66,68-82 is/are rejected.
- 7) ☒ Claim(s) 67 and 83 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

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UNITED STATES DEPARTMENT OF COMMERCE  
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Washington, D.C. 20231

Paper No:20070228  
Application No:10/800107  
Filing Date: March 12,2004

1. Claim 71 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim is based on multiple cars and only a single car.

Claim 68 clearly states display[s] in an elevator cab. The examiner reads this as there may be more than one display in a single cab.

Claim 71 (dependent from claim 68) states "a plurality of elevator cabs".

It is suggested that claim 68 be changed to include multiple cabs.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 55-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes et al (6288688) and Rakavy et al (5913040).

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Hughes et al teaches in figures 13, an elevator information/advertising display system.

Display units 40 are provided in elevator cars at different locations. Advertising is provided over communication links 50,55,60 to several servers (20,30,40) located at intermediate, and building sites as well as locally.

Hughes states that the advertising data can consist of both images and text but only describes the use of image data. As Figures 3A-3B illustrate the "playlist" and scheduling of the advertising. Hughes further illustrates the use of demographics based categories (figure 3B0 and scheduling (figures 3A,4A,7).

Rakavy et al teaches in figures 1-10, a remote advertising system.

The system provides advertising to multiple display units at different location.

The system provides for remote advertising/information display with minimal interference to local operations while allowing the use to select more detailed information if desired.

Polite agents 280,285 provide advertising 50 from ad server 600 over network 700. The polite agents allow for any type of data transmission as well as the use of both advertising and information such as sports/weather/news. The code allows for any type of format and points to ad servers 600

As with Hughes et al., the use of local (LAN) and remote servers 200,540, and a scheduler 280.

Thus, to utilize the system of Rakavy et al within the system of Hughes et al to allow for multiple type of data display with minimal local interference and to allow the use to select more detailed information, would have been an obvious engineering design choice to one of ordinary skill in the art.

55) Hughes Digital Ad file 130 contains play instructions 140 and graphics file 150 (col. 11, line 55 states "kept in separate files). Graphic file 150 is stated, col. 11, line 50 to be both image and text. Play instruction file 140 is stated in col. 11, lines 52-66, as computer instructions for displaying the ad, not written in any particular language but can include HTML or JAVA.

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Master database 180 contains all of the ad and scheduling data for the displays 90 in elevators 70 and contains the display parameters for each ad as well as pointers to support files (col. 13, lines 20-27).

Ad file 130 is a combined file (for convenience) and is part of database field in record 190.

Each record 190 has AD DATA 230 which refers to Ad file 130 in zip form which (as stated above) contains both the play instructions and graphics file for the display 90.

56) Master database 180 contains all of the ad and scheduling data for the displays 90 in elevators 70 and contains the display parameters for each ad as well as pointers to support files (col. 13, lines 20-27).

57) Figure 3A illustrates the merge of two files 150 in Ad File 130.

58) Files 150 can be graphical or text Col. 12, lines 25-28.

59) database fields 250,260,270

60) As stated above database 180 contains pointers for support data and the language may be HTML.

61-64) MC10 and GDU 40 can assemble the data at either location.

65-66) Category 220.

68) Ad file 130 is a combined file (for convenience) and is part of database field in record 190. Each record 190 has AD DATA 230 which refers to Ad file 130 in zip form which (as stated above) contains both the play instructions and graphics file for the display 90.

69) Each record 190 has AD DATA 230 which refers to Ad file 130 in zip form which (as stated above) contains both the play instructions and graphics file for the display 90.

70) Play instruction file 140 for display 90.

71) GDU 40.

72) Master database 180 contains all of the ad and scheduling data for the displays 90 in elevators 70 and contains the display parameters for each ad as well as pointers to support files (col. 13, lines 20-27).

73) Figure 3A illustrates the merge of two files 150 in Ad File 130.

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74) Files 150 can be graphical or text Col. 12, lines 25-28.

75) database fields 250,260,270

76-77) As stated above database 180 contains pointers for support data and the language may be HTML.

78) Play schedule 240 and 160.

79-80) MC10 and GDU 40 can assemble the data at either location.

81-82) Category 220.

4. Claims 67,83 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The cited art of record does not teach or reasonably suggest the multiple category pointers.

5. Applicant's arguments filed 12-21-06 have been fully considered but they are not persuasive.

As stated above, claims 68,71 appear to differ on the number of elevator cabs.

The examiner has elaborated on the interpretation of Hughes "playlist". The instant specification describes the "playlist" as a list of "what gets played and when", this appears to be met by the records 190 (which include Ad file 130) within the master database 180.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

A shortened statutory period for response to this action is set to expire 3 months from the date of this letter.

Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Any inquiry of a **general nature** should be directed to the **Group receptionist whose telephone number is (571) 272-2800**.

**Information regarding the STATUS of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PARI. Status information for unpublished applications is available through Private PAIR ONLY. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Any questions on access to PAIR, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).**

Papers related to this application may be submitted by facsimile transmission. Papers should be faxed to Group 2800 via the PTO Fax Center. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). The Fax Center number is (571) 273-8300.

For assistance in **Patent procedure, fees, or general Patent questions** calls should be directed to the **Inventors Assistance Center (IAC) whose telephone number is 800-PTO-9199 or 800-786-9199**. Assistance is also available on the Internet at [www.uspto.gov](http://www.uspto.gov).

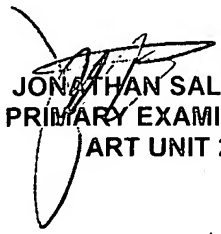
**For requesting copies of Cited Art, Office Actions or the like, response to Status Letters, lost files or papers or General Problem solving, calls should be directed to the TC 2800 Customer Service Office whose telephone number is 571-272-2800 or by fax at 571-273-8300.**

Any inquiry concerning **this communication or earlier communications from the examiner** should be directed to **Jonathan Salata whose telephone number is (571) 272-2073**. The examiner does not have as detailed access as the previously listed numbers with regard to status or general problem solving. The examiner can normally be reached on Monday through Thursday from 7:30 am to 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan, can be reached on (571) 272-2800 ext 27.

ajs

February 28, 2007

  
JONATHAN SALATA  
PRIMARY EXAMINER  
ART UNIT 2837